IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WA.No. 559 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.32090/2006 Dated 18/12/2006
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APPELLANT: PETITIONER

GAYATHRI V.K., W/O. AJI V.K.,
VELIKUNNEL HOUSE, MULARINGAD P.O.,
THODUPUZHA TALUK, IDUKKI.
(NOW WORKING AS JUNIOR PUBLIC HEALTH NURSE,
PRIMARY HEALTH CENTRE, CHITRAPUZHA, MUNNAR.

BY ADV. SRI.P.HARIDAS

RESPONDENTS: RESPONDENTS
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, DEPARTMENT OF HEALTH,
THIRUVANANTHAPURAM.

2. DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

3. DISTRICT MEDICAL OFFICER,
IDUKKI.

4. INDUKUMARY,
JR. P.H.NURSE, P.H.CENTRE, MUTTOM, IDUKKI.

5. C.H.INDIRA,
JR. P.H.NURSE, P.H.CENTRE, ADIMALI, IDUKKI.

6. VIMALA JACOB,
JR. P.H.NURSE, P.H.CENTRE, MAMBRA, THRISSUR.

7. P.S.ANITHA,
JR. P.H.NURSE, P.H.CENTRE, MELOOR, THRISSUR.

8. JAGADAMMA THANKAPPAN,
JR. P.H.NURSE, P.H.CENTRE, KUMARANPUTHUR,
PALAKKAD.

9. K.MARYKUTTY,
JR. P.H.NURSE, P.H.CENTRE, VANNAMADA,
PALAKKAD.

10. K.C.GEETHA,
JR. P.H.NURSE, P.H.CENTRE, PUDUPARIYARAM,
PALAKKAD.

11. T.C.ANANDAVALLY,
JR. P.H.NURSE, P.H.CENTRE, THUVAYUR,
KOZHIKODE.

12. R.BEENA,
JR. P.H.NURSE, P.H.CENTRE, THIRUVAMPADI,
KOZHIKODE.

13. LEELAMMA MATHEW,
JR. P.H.NURSE, P.H.CENTRE, VENGAPPALLY,
WAYANAD.

14. K.P.USHAKUMARY,
JR. P.H.NURSE, P.H.CENTRE, MEERAJA, KASARGODE.

BY GOVERNMENT PLEADER SRI.BENNY GERVASIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC, JJ.
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W.A.NO. 559 OF 2007
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Dated this the 13th day of March, 2007

J U D G M E N T

P.R.Raman, J.

The appellant is the petitioner in the writ petition. The appellant is working as a Junior Public Health Nurse. She had been seeking for a transfer by submitting applications one after the other. She had also approached this court on two earlier occasions by filing Writ Petition Nos.26422/03 and 17358/2006 and this is the third time she has approached this Court seeking a transfer based on inter caste marriage. It is true that the petitioner had been seeking for such transfer not on the same ground and not to the same station. Being a matter of transfer, this Court will be very slow to interfere with the matter. However, if the petitioner has got any right to seek for a transfer based on the inter caste marriage to the Home District, necessarily, the authorities are bound to consider such request and pass orders. As far as the present case is concerned, the transfer sought was for the year 2006. The learned Single Judge has found no merit in

the writ petition and dismissed it and the present appeal is filed against this. We are not impressed in the contentions raised in the appeal. At the same time, the petitioner has produced along with Exhibit P9, IA 188/07, which is an application for general transfer. The appellant would submit that the fact that that her earlier request was declined by the authorities shall not stand in the way of considering the request now put in.

2. We have heard the learned Government Pleader appearing on behalf of the State. It is true, that the petitioner had applied for transfer on an earlier occasion and when such request was declined, she has also approached this Court earlier. But we find that the request for transfer and the place to which she was transferred is not the same place. Therefore, strictly speaking, there will not be any res judicata. Now that the petitioner has put an application Exhibit P9, learned Government Pleader submits that the same will be considered in accordance with law. Accordingly, we direct the 2nd respondent to consider Exhibit P9 in accordance with Government Orders, if any in this behalf, and dispose of the same in accordance with law, as expeditiously as

possible, at any rate within a period of three months from the date of receipt of a copy of this judgment.

Writ appeal is accordingly disposed of.

P.R.RAMAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp